

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

MARK SCOTT CIRIELLO,	:
Plaintiff,	:
	:
-vs-	: Civil No. 3:02cv2131 (PCD)
	:
U.S. SUPREME COURT and GEORGE	:
BUSH,	:
Defendants.	:

ORDER DISMISSING COMPLAINT

Plaintiff was granted leave to proceed *in forma pauperis*. Construing plaintiff's complaint under the liberal standard afforded pro se submissions, *see Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S. Ct. 594, 30 L. Ed. 2d 652 (1972), no cognizable claim against defendant can be identified and the complaint is dismissed sua sponte.

"A district court must dismiss an in forma pauperis action if the action is 'frivolous or malicious.' *See* 28 U.S.C. § 1915(e)(2)(B)(I). An action is 'frivolous' when either: (1) the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy; or (2) the claim is 'based on an indisputably meritless legal theory. . . . A claim is based on an 'indisputably meritless legal theory' when either the claim lacks an arguable basis in law . . . or a dispositive defense clearly exists on the face of the complaint." *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998) (citations omitted; internal quotation marks omitted).

Plaintiff's complaint is found to be frivolous because the defendants, the United States Supreme Court and the President of the United States, George Bush, bear no apparent connection to alleged offenses committed against plaintiff by St. Mary's Hospital or the Waterbury Police Department, and

there is no indication that the Federal Bureau of Investigation has violated plaintiff's rights, the only apparent connection to the federal government that may be discerned from the complaint. It further appears that plaintiff simply copied the majority of his complaint and refiled the copy as a different complaint. The prior pending action against the same parties, 3:02cv2085, presently before Judge Dominic J. Squatrito, constitutes a separate basis for dismissal. *See Adam v. Jacobs*, 950 F.2d 89, 92 (2d Cir. 1991). The complaint is therefore dismissed without prejudice and with leave to file an amended complaint within thirty days.

SO ORDERED.

Dated at New Haven, Connecticut, December \_\_\_, 2002.

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Peter C. Dorsey  
United States District Judge